



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,594	08/10/2001	Reinhard Becher	449122001300	1643

25227 7590 09/12/2005
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/744,594	Applicant(s) BECHER ET AL.	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7 and 10-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by 'Wireless Application Protocol - Wireless Telephony Application Specification - Draft Version', 30 April 1998 (1998-04-30), WIRELESS APPLICATION PROTOCOL FORUM LTD. XP002128849 (hereinafter WAP).

Regarding claim 18, WAP discloses a telecommunication network (see Figures 1 and 2 on page 8) in which services (pushed content from the WTA server) for subscribers (WTA client) can be used, comprising a dialog (for an example of a dialog see step 4 from Figure 3 on page 29) with the subscriber

Art Unit: 2645

who uses the service and is connected to the network via a terminal being provided in at least one of the services, and in the dialog, messages and/or input requests are output to the subscriber and information is input by the subscriber (see menu that is presented to the WAP Client end user on page 29), wherein the network is set up for transmitting, depending on the service operation, the dialog information required by the terminal for performing the dialog, via a network connection, receiving a dialog result transmitted by the terminal and continuing service dependent on the result (see 5.4 on page 9, 14.1 on page 28, 14.3 on page 30).

Regarding claim 19, see 5.4 and 11.1.

Regarding claim 20, see page 30.

Regarding claim 21, see Figures 1 and 2.

Regarding claim 22, see pages 29 and 30.

Regarding claim 23, see Figures 2 and 3.

Regarding claim 24, see 5.4 and 11.1.

Regarding claim 25, see 5.4 and 11.1.

Regarding claim 26, see 5.4 and 11.1.

Regarding claim 11, WAP discloses a telecommunication terminal which can be connected to a telecommunication network and which is set up for exchanging messages and/or commands with the network and for outputting messages and input requests to a subscriber utilizing the terminal for using the network and for receiving inputs of the subscriber, comprising:

a memory device for storing dialog information (observe the definition of WTA Event Table on page 6) relating to the performance of at least one dialog to the subscriber;

a control device for executing the output (see menus from 14.2 and 14.3) to the subscriber, for receiving and processing the input of the subscriber and for deriving a dialog result by means of the dialog information; and

a transmitting device for receiving dialog information, and for transmitting a dialog result via a network connection, wherein the terminal is constructed such that the stored dialog information is checked via the terminal to see whether it is adequate for performing the relevant dialog and, if not, a request message for transmission of corresponding dialog information is sent (If the requisite dialog information is not present in the current context, an attempt is made to determine the name of the dialog information concerned from an event table and to request this from the WTA server), and the transmission

of dialog information is requested via the terminal by means of a message sent to the network (see 5.4 on page 9 and 11.1 from page 30).

Regarding claim 12, see pages 29 and 30.

Regarding claim 13, see page 30.

Regarding claim 14, see page 30.

Regarding claim 15, see pages 29 and 30.

Regarding claim 16, see page 6.

Regarding claim 17, see pages 29 and 30.

Regarding claim 1, WAP discloses a method for performing a dialog between a service of a telecommunication network (see Figures 1 and 2) and a subscriber connected to the network via a terminal (WAP Client) comprising:

outputting messages and/or input requests to the subscriber and inputting information by the subscriber in the dialog via the terminal (see menu presented to the WAP client in sections 14.2 and 14.3), and the service is continued depending on a dialog result derived therefrom,

wherein the service transmits dialog information relating to performance of the dialog, independently of actions of the subscriber, to the terminal of the subscriber via a network

Art Unit: 2645

connection, the dialog information is stored by the terminal (see 14.1 from page 28), and the terminal performs the output (see menus presented to the WAP client in sections 14.2 and 14.3) to the subscriber by means of the stored dialog information on the basis of a specific command given thereto, the terminal receives and processes the input of the subscriber (see step 5 from 14.2), and the terminal derives a dialog result therefrom and transmits the result to the service via a network connection and wherein the stored dialog information is checked via the terminal to see whether it is adequate for performing the relevant dialog and, if not, a request message for the transmission of corresponding dialog is sent, and the transmission of dialog information is requested via the terminal by means of a message sent to the network (see 5.4 from page 9 and 11.1 from page 30).

Regarding claim 2, see 14.2 and 14.3.

Regarding claim 3, see 14.2 and 14.3.

Regarding claim 4, see 14.2 and 14.3.

Regarding claim 5, see 14.3.

Regarding claim 6, see 14.2 and 14.3.

Regarding claim 7, see page 6.

Regarding claim 10, see pages 29 and 30.

Response to Arguments

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A

Olisa Anwah
Patent Examiner
September 6, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600